

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT

PAPALAS DRIVE INVESTMENTS, LLC,
a Michigan Limited Liability Company,
H.D.V. – LINCOLN PARK, LLC, a
Michigan Limited Liability Company, MIC
LIMITED, a Michigan Corporation, LC THEATRE
CORP., a Michigan corporation,

Plaintiffs.

-vs-

CASE NO: 07-15358
HON. NANCY G. EDMUNDS

CITY OF LINCOLN PARK, a Municipal
Corporation,

Defendant.

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DEAN KOULOURAS (P16176)
EDWARD ZELENAK (P27611)
Attorneys for Defendant
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Livonia, MI 48150
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**RESPONSE TO EMERGENCY MOTION BY DEFENDANT, CITY OF
LINCOLN PARK**

NOW COMES the Defendant, CITY OF LINCOLN PARK, a Municipal Corporation, by and through its attorneys, DEAN KOULOURAS and EDWARD ZELENAK, and for its Response to Emergency Motion, states unto this Honorable Court as follows:

For the purpose of responding to the allegations contained in paragraphs 1 -33, The City of Lincoln Park admits same. The City of Lincoln Park denies that as a municipal corporation it is in Contempt of Court for the following reasons:

1. The City of Lincoln Park conducted the requisite investigation and made a recommendation that said Liquor License transfer be approved.

2. The Lincoln Park Police Department completed its functions as required by law and recommended the transfer.

3. City Manager Steve Duchane had the transfer placed on the City Council Agenda, after determining from an investigator from the Liquor Control Commission that City Council could properly approve subject to certificate of occupancy requirements.

4. That City Clerk Donna Breeding placed the transfer approval on the Agenda for the October 5, 2009 City Council Agenda.

5. That despite the attempts by Mayor Vaslo supported by council members Kandes and McPartlin, the license transfer was subject to a vote to postpone without date, after the Mayor previously secured the reversal of a motion to table action on the license transfer.

6. That prior to the vote to postpone, which has caused the instant motion and hearing, City Council had the benefit of several correspondences from its duly appointed City Attorney recommending action on the transfer based upon the consent decree.

WHEREFORE, the Defendant, City of Lincoln Park, denies that as a municipal corporation, it is responsible for any damages or costs as requested by Plaintiffs, as it has always acted with respect to the City Charter, the Constitution of the United States, and the rule of law in the instant case and with respect to Orders of this Honorable Court. The City of Lincoln Park prays that no damages be awarded against the City individually, as the City is not in violation not this Court's Consent Judgment.

/s/ DEAN KOULOOURAS
Attorney for Defendant.
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BRIEF

In support of its position, Defendant City of Lincoln Park, relies on the memorandums previously submitted and the minutes of the October 5, 2009 City Council Meeting, which speak for themselves.

/s/ DEAN KOULOURAS
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<p>I hereby certify that on October 12, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: David W. Warren, Esq. and Peter Joelson, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: None.</p>

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